IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 528 OF 2005

Hari Madhavdas Matai. ... Appellant.

Versus.

Anwar Azmat Khan & others. ... Respondents.

Shri Bharat Joshi for the Appellant.

Shri H.K.Gada for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 27th April, 2005.

P.C.:

1. Heard the learned Advocates appearing for the parties. The learned Advocate appearing for the Appellant stated that the order impugned in the Appeal is an ad-interim order and therefore, the Appellant does not press the Appeal on merits. He submitted that an undertaking has been given by the Appellant to the Small Causes Court and in view of the drastic order passed at ad-interim stage he will not be able to abide by the Undertaking. He, therefore, submitted that the Notice of Motion be ordered to be heard expeditiously. The prayer made is reasonable.

2. Hence the Appeal is dismissed as not pressed. All contentions on merits are kept open. The learned trial Judge will hear and decide the Notice of Motion as expeditiously as possible and in any event on or before 30th June 2005.

Judge.